

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
JULY 17, 2006

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

TABLE OF CONTENTS

Call to Order	1
Commissioners Present -	1
Commissioners Absent	1
Adoption of Agenda.....	1
APPROVED AS AMENDED	1
Approval of Minutes	1
APPROVED AS PRESENTED	1
Directors Remarks	2
INFORMATIONAL ONLY	2
Contract – Quality Consulting, Inc - Private Well Tracking System	2
APPROVED AS PRESENTED	3
Contract – 28E Agreement - County Contract Renewal for TNC Water Supply Inspections.....	3
APPROVED AS PRESENTED	4
Memorandum of Agreement– Nebraska Department of Environmental Quality – Homeland Security Planning and Exchanges	4
APPROVED AS PRESENTED	5
Kirkwood Community College Industrial Electro-Mechanical Technician Curriculum Development Contract — Industrial Technologies Grant	5
APPROVED AS PRESENTED	6
Public Participation.....	6
Julie Vavrick	6
Gayle Stokes	7
Loren Bitker	8
Roger Farnis.....	10
Phyllis Willis.....	11
Susan Heathcote.....	11
Chris Peterson	12
Andy Muff	12

General Discussion	14
Contract - University Hygienic Laboratory (UHL) for impaired waters monitoring and assessment.....	15
APPROVED AS PRESENTED.....	15
Contract - University Hygienic Laboratory – 2006 Cooperative Groundwater Network	16
APPROVED AS PRESENTED	16
Referrals to the Attorney General	16
Dyersville Implement, Inc. (Dyersville) – Wastewater	17
TABLED.....	19
Rose Bowl, Inc. (Mason City) – Public Water Supply	19
REFERRED.....	19
State of Iowa Public Drinking Water Program: 2005 Annual Compliance Report.....	19
INFORMATIONAL	20
Proposed Rule – Amend IAC 567 Chapter 118– “Discarded Appliance Demanufacturing”.....	21
INFORMATIONAL	21
Proposed Rule – Adopt IAC 567 Chapter 124– “Mercury Switch Recovery from End-of-Life Vehicles.....	22
INFORMATIONAL	22
Lake Nutrient Standards, Background Information.....	22
INFORMATIONAL	24
Monthly Reports	24
INFORMATIONAL	46
Next Meeting Date	46
Adjournment	49

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Jerry Peckumn at 10:00 a.m. on July 17, 2006 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow
Jerry Peckumn, Chair
Donna Buell – arrived at 10:10
Francis Thicke, Vice Chair – arrived at 10:35 and left at 1:00
Mary Gail Scott
David Petty
Lisa Davis Cook, Secretary
Henry Marquard – arrived at 10:30

COMMISSIONERS ABSENT

Darrell Hanson

ADOPTION OF AGENDA

Jerry Peckumn asked that we move up the General Discussion item before noon.

Mary Gail Scott asked for a follow up and discussion on UAA's and the UHL contracts.

Motion was made by Lisa Davis Cook to approve the amended agenda as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by David Petty to approve the minutes from the June 19th meeting as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Liz Christiansen, Deputy Director of the DNR attended the meeting on behalf of Jeff Vonk, the Director.

INFORMATIONAL ONLY

CONTRACT – QUALITY CONSULTING, INC - PRIVATE WELL TRACKING SYSTEM

Tammie Krausman of the Environmental Services Division presented the following item.

The Environmental Protection Commission is requested to approve a contract between the Department and Quality Consulting, Inc. (QCI). This contract is for a one year duration.

The funding for this contract comes from well contractor certification fees and private well construction permit fees. The contract bid is \$96,000. The contractor will be updating and improving our Private Well Tracking System (PWTS).

The PWTS was developed for the purpose of managing program data for private wells. This data includes well construction permits, well logs, plugged wells, well water tests, and well renovation. PWTS provides an internet-accessible application for well drillers, county regulatory personnel, and other authorized users to create a permit for a new private well, enter data describing a new or existing private well such as location, owner, a driller's log, well capacity test, and construction details. The data are stored in a normalized MS SQL Server 2000 database. Access to detailed information and data entry applications is authorized by user-id and password.

The PWTS still lacks some of the desired functionality. There are also many fields which could be improved by better validation criteria. Additional reports and data retrieval processes are necessary.

One of the major deliverables of the project is to enable the transfer of completed records for new private wells between two databases, the Private Well Tracking System database (PWTS) and Iowa Geological Survey's Geological Sampling Database (Geosam), for the purpose of augmenting the internet-accessible geologic-hydrogeologic database served by Geosam. Data flow is to be from PWTS to Geosam with a review function available and the ability to enter some additional information relating to well cutting or core samples which may be received by Iowa Geological Survey (IGS). The purpose of this portion of the project is to shift the data source for private wells from well records that are hand-entered by IGS staff to a direct transfer from PWTS, while recognizing that it is essential to maintain the quality of the data being presented to the public in Geosam.

Eight bids were received for this RFP. QCI has their main office in Clive. They are the consultant that did the previous update on this program so they are very familiar with it. They were also the lowest bidder on the project.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – 28E AGREEMENT - COUNTY CONTRACT RENEWAL FOR TNC WATER SUPPLY INSPECTIONS

Tammie Krausman of the Environmental Services Division presented the following item.

The Department requests Commission approval to renew 28E contract agreements with five County Health Departments in Iowa, to total \$241,020.00 over three years.

The purpose of these contracts is to delegate part of the Department's regulatory authority to these counties so they may complete EPA-required Sanitary Survey inspections and to provide technical assistance to Transient Non-Community (TNC) public water supplies, which include convenience stores, restaurants, and motels. EPA regulations allow the Department to delegate water supply inspections, but not compliance and enforcement actions, to other agencies. Compliance and enforcement actions, where needed, remain with the Department. Under these contracts, counties conduct water supply inspections annually, at the same time that they also conduct food establishment inspections at the same facilities. These counties also notify the Department when they discover unidentified TNCs.

County health departments can complete annual inspections at an average cost over three years of \$195 per inspection, which is less than the Department can achieve. Currently there is a total of 408 TNCs on the Department inventory. Each county has a different number of public water supplies classified as TNCs, but will be paid the same amount per TNC inspection.

This is the third three-year contract with counties to conduct TNC inspections for the Department.

Linn County estimated at	\$ 35,685.00
Johnson County estimated at	\$ 25,740.00
Cerro Gordo County estimated at	\$ 108,810.00
Black Hawk County estimated at	\$ 53,235.00
Scott County estimated at	\$ 17,550.00
	<hr/>
	\$241,020.00

Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) State Program Management Set-Aside (Cost Center 7159).

Cerro Gordo County is servicing ten counties and Black Hawk is servicing about three others.

Tammie Krausman said that the cost of this contract is alot less than if the Department was to take this project on ourselves.

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

MEMORANDUM OF AGREEMENT– NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY – HOMELAND SECURITY PLANNING AND EXCHANGES

Tammie Krausman of the Environmental Services Division presented the following item.

The Department requests Commission approval of a Memorandum of Agreement so the Nebraska Department of Environmental Quality (NDEQ) can pay the Iowa DNR \$25,000 for Iowa's share of a joint project to set up an exchange of environmental data for homeland security.

Background: The four states in Region VII have received a joint grant from EPA for Homeland Security Planning and Exchanges. Nebraska (NDEQ) is the lead agency, and partner states include: Iowa, Kansas, and Missouri.

Purpose: to develop a web service process among the four states to provide automated access to environmental information for those involved in homeland security/emergency response. This data will be used to enhance decision-making and risk assessment for situations with environmental problems that overlap state boundaries. It will also improve data access for local emergency responders, such as counties and fire departments.

Funding: all federal funding from the Exchange Network Challenge Grant from EPA.

Motion was made by Mary Gail Scott to table this item until we see the MOA. Seconded by Sue Morrow.

Chuck Corell asked the Commission when they wanted staff to attach the additional MOA document, written contracts, etc.

Donna Buell said that we should really dig into the large amount contracts. If you attach everything we will end up spending hours on contracts.

Tammie Krausman said that she will e-mail a copy of the MOA out to Commissioners. For contracts, we could attach the overall budget and where the money is going.

Donna Buell agreed.

Motion failed.

Motion was made by David Petty to approve the MOA as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

**KIRKWOOD COMMUNITY COLLEGE INDUSTRIAL ELECTRO-MECHANICAL
TECHNICIAN CURRICULUM DEVELOPMENT CONTRACT — INDUSTRIAL
TECHNOLOGIES GRANT**

Tammie Krausman of the Environmental Services Division presented the following item.

The Department received a grant from the U.S. Department of Energy in the amount of \$149,971. Pursuant to that grant the Department executed a contract in the amount of \$90,000 with Des Moines Area Community College (DMACC). The DMACC contract term expired with only partial performance and payment. Consequently, the Department now intends to execute a contract in the amount of the unspent balance of the DMACC contract, \$78,379.30, with Kirkwood Community College (Kirkwood) for the completion of the project. Kirkwood provides industrial education to current workers and traditional students in the areas of Industrial Electro-Mechanical Technology, Heating/Cooling and Refrigeration Technology, and Building Maintenance.

Kirkwood Community College will provide \$32,697.39 worth of Cost Share. The Iowa businesses not directly included in this contract that previously pledged an additional \$31,600 worth of Cost Share will carry through on their original commitments: Cargill--\$7,000; Accumold--\$5,000; EMCO--\$3,600; Check-All Valve Mfg.--\$6,000; and the Iowa Energy Center--\$1,500 and up to \$8,500 in scholarship assistance to Kirkwood students and faculty. These businesses together with Kirkwood will provide a total of \$64,297.39 worth of Cost Share to ensure the final success of this project.

The purpose of the grant and the contract with Kirkwood Community College is to formulate the structure, curriculum and content for a program in industrial energy efficiency and waste minimization processes for delivery at community colleges. One of the most important issues facing industry today is the rising cost of energy. Industries are continually looking for ways to reduce their energy costs by balancing the load and demand of their energy power systems to obtain optimum system performance.

The current manufacturing workforce expects to experience a wave of retirements in the next 5-10 years. The work done under this contract will develop appropriate education and training classes that will replenish the workforce to have a focus on energy performance optimization and waste minimization practices that will help companies reduce costs and maximize profits. Students who complete the program will be ready for a technical career in manufacturing industries, with an emphasis on industrial energy efficiency and waste minimization. In addition, the curriculum will enable Iowa manufacturers to provide this training for their current employees.

DNR Contract Value	Cost Share Providers
\$78,379.30	Kirkwood Community College: \$32,697.39
	Cargill: \$7,000
	Accumold: \$5,000
	EMCO: \$3,600
	Check-All Valve Mfg.: \$6,000
	Iowa Energy Center: \$1,500 plus up to \$8,500 in student and faculty scholarships

The Department requests the Commission's approval to enter into a contract with Kirkwood Community College.

Motion was made by David Petty to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

JULIE VAVRICK, concerned citizen of Clear Lake and Ventura addressed the Commission with her concerns over the proposed construction of hog confinement facilities and their manure applications in the area.

While we are concerned for the quality of life issues these facilities will bring to our neighbors, forced to live just outside the defined, yet ridiculous set back regulations, our concerns also focus on the environmental impact these operations will have on the entire area.

Upon review of the Manure Management Plans that have been submitted to the Field Office of the DNR in Mason City, Iowa we have found that to facilitate the manure disposal of these facilities, applications will be made on land that may raise issues.

Julie went on to read from the Iowa Geological Survey information included in the Manure Management plan. "This site is located above an extensive sand and gravel deposit that may be used as a source of groundwater for private wells in the area. Also keep in mind that this site is just outside the Clear Lake watershed. This lake and the surrounding wetlands are designated as class A and class B waters by the Iowa Administrative Code, and it will be the operator's responsibility to make sure that the water quality violations do not occur. Please take special care to protect this valuable resource when planning the manure storage structure and application fields for this facility."

Fields listed to receive the manure in the submitted plan are in areas, either in or dangerously close to the Clear Lake watershed area. We understand that one of the benefits to the farmers receiving manure is the high level of Phosphorus. They of course want this as a fertilizer source for crops. With this in mind, the problem we find with this particular site and operation is, the field locations selected to receive the manure. Having a product of this nature applied year after year, in the amounts listed in the application, will surely have an environmental impact, both now and in the future.

It's sad to admit, but public opinion is, once a facility is built and begins operations, there is no faith in the systems in place to watch over the management. The public is not comfortable that they are protected against the environmental impact or that our natural resources are being protected.

It's for that reason we are here to ask this commission to act within your power to help stop these sites from being built so close to such a valuable natural resource as Clear Lake.

Jerry Peckumn asked if the manure will be applied to the same fields year after year?

Julie Vavrick said yes, that is how they would interpret the manure management plan.

GAYLE STOKES, ICCI member from Clear Lake said that the manure management plans submitted for these sites show that there are proposed "Easements for Manure Application" arranged with the owners of land that have drainage, both tile and surface, that flows directly into the "Wild Goose Marsh" north of Ventura. The majority of the fields proposed to receive manure are contained within drainage district number 40 that empties quickly into an open drainage ditch that flows through the city limits of Clear Lake and empties into Willow Creek and the Winnebago River.

It must also be noted that to dispose of the amount of manure being produced by this size of facility, an application must be made to every acre, every year. This will be done regardless of the crop rotation. Making applications as a fertilizer source before planting a crop of corn is understood, however; is it not a questionable practice to make this level of manure application to land where a soybean crop is planned?

It is the opinion of the area that because of the limited amount of land available to the proposed developer and operator of these sites, to meet the requirements for manure disposal and application, **THEY ARE FORCED TO INCLUDE FARMS AND FIELDS THAT MAY BE QUESTIONABLE!** This poses real concern over both the drainage patterns and the potential environmental impact.

The second site itself has raised questions. The Iowa Geological Survey for that site states, "Please consider that the seasonal high groundwater table at the is site is approximately one foot below the surface. While tiles may reduce the hydrostatic pressure on the manure storage structure, manure application or leaks from the storage structure may bypass the natural soil filtration and flow to surface waters quickly via these tiles.

Please take special care to protect Iowa's soil and water resources when planning the manure storage structure and application fields for this facility."

It is our concern that the Manure Management plan submitted for these two sites will simply be filed and not fully examined to determine the true environmental impact they **WILL HAVE** on the area.

We understand that facilities like these are popping up all over our state. While we can't address the direct impact of every, we can these. It's because of these facts, we know to be true, we continue to ask for this commissions' help in stopping these sites. **THESE PROPOSED LOCATIONS AND THE FIELDS INVOLVED ARE VERY AT RISK LOCATIONS!** Please consider these applications thoroughly.

Donna Buell asked if the construction permit was approved?

Gail Stokes said no, because he is not required to have a permit since he states that he will be operating just under the 2,500 head limit.

LOREN BITKER, concerned citizen from Mason City said that the specific site north of Ventura is being proposed on that, in a normal year, following any heavy downpour, stands water. The natural water shed run-off from the proposed site pours under and over the county road, across the neighboring field, through tile inlets, into a 32 inch county main tile. Pictures of this proposed site verify this. Remember this country main is the same tile leading to the open drainage ditch traveling through the city limits of Clear Lake.

The surrounding farm-land, within the same quarter section to the proposed construction site, is slated for manure application in the submitted Manure Management Plan. Half of that quarter

section drains across a natural prairie, never been tilled, piece of ground. All of this, only two miles from Clear Lake itself.

Loren read a letter written by Robert Wolfram, Mayor of the city of Ventura.

I am very concerned about the possibility of a hog factory being built 2 ½ miles north of Ventura. The prevailing winds are from the northwest and the hog pollution would affect the quality of living in Ventura. Ventura has a tremendous tourist population during the summer months with church camps and state campgrounds and various recreational facilities. It is very unfortunate that so many people have a substantial investment in property around the lake and have to submit to one person wanting a hog confinement. The cost benefit for one hog confinement can hardly justify the negative impact on the lake shore property value.

Iowa only has 2% of its total land occupied by water. I would think that it would be a number one priority for the legislators in Des Moines to protect these precious commodities.

I urge you to do whatever it takes to keep these recreation areas pristine, as hog pollution will have a tremendous impact on retaining our vacationers that like to come here.

It is both the city's and resident's believe that this proposed site will not only become a potential environmental problem, especially given the particular farm land proposed for application, but it will have a negative impact on the small community that relies on tourism generated by Clear Lake.

As we review the Manure Management Plans presented for these sites, we find that one of the farms proposed for manure application is actually less than two miles directly to the Northwest of Ventura. There is rumor that another sit may be planned for that location as well. With existing confinement facilities already located to the Southwest of town, this would cause Ventura to be totally surrounded! Clear lake on two sides and hog confinements on the other two!!

Last week an informational meeting was held in Ventura. The purpose was to understand the FACTS of what was proposed and put to rest any rumors. With NO PUBLIC NOTICE, more than 54 people attended. There is overwhelming public opinion in both Clear Lake and Ventura coming out against these possible sites and the application of manure so close to the town and the lake.

It's confusing to see how supportive the state and the DNR have been towards the C.L.E.A.R Project for Clear Lake, yet could possibly stand by and rubber stamp these proposed sites, allowing them to be built, with the potential to ruin the area.

The Clear Lake Enhancement and Restoration Project is currently focusing on implementing the Iowa DNR recommendations based on their comprehensive water quality analysis. The State of Iowa has committed 9 million dollars to dredging the lake and supporting project.

Please come to these 2 proposed sites and see for yourselves the information contained in this packet is accurate. We would love to give you a tour.

David Petty asked Lauren what would need to be changed with the operational permit?

Lauren said that his farm is in valley and we used to own the land of the proposed site. It will drain right into our land. That area floods. I know it will all end up in the ditch and that drains right down through Mason City.

It doesn't make sense that we spent \$9 million dollars to clean up Clear Lake but we are allowing something to be built that will supply nothing but poop. When it rains it will just flood. The water comes rushing down and washes away the road. There is no ditch anymore because it's been filled in from water run-off. It just doesn't make sense to clean this all up

ROGER FARNIS, from Clear Lake asked when we reach the point of saturation for these facilities?

Not included in the Manure Management Plan for one of the sites being discussed is the fact that a confinement facility already exists, housing more than 4,000 head of young, early-weaned pigs.

Also not mentioned is the point that so much manure has been applied to that quarter section of land in the past that the operator has been forced to haul manure to other rented farm land over four miles away.

Also not mentioned is the one, so-called, "Manure Application Agreement" included in the submitted plan, was written with a land-owner that no longer exists, does not apply to the applicant involved, can not be assigned to him and has resulted in termination. Without those acres, is it still a viable plan? Would anyone have even checked this out?

It appears a consulting firm, not the projected operator, compiled this information and put together the Manure Management Plan. Is it common practice to "slip things through" because they know there is little review?

Is no consideration given to populated areas, and the number of residents impacted by these? The two proposed confinement facilities are less than two miles apart. There will be 25 residences with 67 individuals and 27 local wells impacted by these buildings. Of those 25 residences, 21 of them have lived in their location for more than twenty years.

It's not like they moved in and invested heavily in their properties knowing they were going to live next to a huge hog confinement building on every corner, not to mention watch those thousands of gallons of manure applied to field all around them each and every year. They are concerned about their quality of life at their residence as well as their property values.

Many of these properties still have shallow wells for drinking water. The Iowa Geological Surveys done for both of these facilities cautioned of the potential for problems with the groundwater used for private wells. These surveys mention that it's the operator's responsibility

to protect against potential problems. If one reads further in the submitted Manure Management Plans, in the Easement for Manure Application, there is language stating that the land owner, not the operator, accepts the manure and the responsibility, however; that responsibility is then passed to the party of parties that remove, transport and apply the manure, agreeing to hold both the owner and the operator harmless. What a tangled web. Who is responsible? If this is such a safe practice, why is everyone wanting to be held harmless?

Back to the saturation point of these facilities, we currently have residents that already have over 15,000 head of hogs for neighbors within less than two miles. Have we reached a point of saturation?

Please consider this, combined with all the potential for environmental impact that has been outlined associated with these sites. We urge you to act within your authority to stop the construction of these two very bad sites.

You can have all the money in the world, but you can't buy good health or buy your health back.

Will you commit to a thorough review of the information presented? Will you come and visit to the proposed locations?

Donna Buell said that she will visit the site.

Wayne Gieselman said that we do look thoroughly at the MMP's when they are specifically brought forth. The manure management agreements have to be signed by the current owner of the property that's involved.

Roger asked who is responsible for spreading manure? The operator, the manure applicator, the land owner, or the producer?

Wayne Gieselman said that the owner of the facility is responsible for having the MMP. Under the law, the owner of the livestock facility is responsible for paying the fees associated with paying for the MMP. The licensed applicator is responsible for following the MMP. Everyone involved with the operation becomes somewhat responsible.

PHYLLIS WILLIS, from Thornton said that the manure management plan calls for an application directly bordering a 55 acre virgin native prairie, an extremely rare and valuable piece of ground. As a prairie enthusiast and an owner of a restoring prairie, I phoned a prairie expert for her opinion. She said the feed additives and the antibiotics used in the feed will become part of the residue incorporated in the field and could damage the crucial mycorizhae in the soil. Those are symbiotic fungus in the soil that are essential for most plants to survive.

SUSAN HEATHCOTE, from Iowa Environmental Council said that they are glad to see that there will be a presentation on nutrient criteria for water quality. This is a good step. I'm glad to see that a watershed quality task force group is being formed. I think that there should be at least two scientists on the technical advisory board.

Economics will be discussed but it should not be the driving factor for the criteria. It should be set to protect the uses.

I'm also glad to hear that you will be receiving additional information on the UAA process. It's very important that when we implement that those standards and presumptions have to be reflected in the UAA's. The evidence that there is not a recreational use or aquatic life use seems to be fairly substantial. It's inconceivable to me that there would not be aquatic life present.

CHRIS PETERSON, President of the Iowa Farmer's Union said our national organization in our policy we called for a national moratorium based on public health and the building of factory farms. These factories are not locally owned. There are questions of potential risks and impacts and I think we're approaching the threshold of huge consequences here. The location of this proposed site is just a bad idea.

In regards to environmental sensitive areas, we need the ability to deny permits for sites like this. Are rural residences and operators of site suppose to have lower standards to our health and water? I don't think so.

If there was no potential risks, why in the heck don't the owners of the livestock want shared responsibility of the impacts and health consequences.

ANDY MUFF, Farmer of the proposed sites near Clear Lake said that he wanted to clarify the information brought forth this morning.

The facts are:

- I have applied for a 2,480 head, which is under the regulations.
- I am a family farm operation with 420 acres with corn and soybeans. I farm 68 acres of that myself. We have made a living off of farming and I hope to continue being a family farm.
- I intend on building one confinement site this year north of Clear Lake.
- My finance and I are planning to build a house at this location as well. I felt that this location was the best site that was furthest from neighbors, water sources and all of the rules and restrictions set forth for this project. This is a good site. This community was once known as hog valley. I have intentions of violating any laws. I have been working with the Pinnacle Group to make sure that I everything I do is done right.
- I want to be a responsible farmer and a good steward of the land.
- I did apply for a second site if the if there are problems with the first site. I prefer not to go along with the second site.

Donna Buell said that this is not a family farm, it's a factory farm. These are polluting our air and water! I don't believe it's good to raise your family that close to your factory farm. Why did you choose to have 2,480 head? To avoid the more stricter regulations?

Andy Muff said that he would disagree with those statements. I don't believe that there will be any impacts to my family because I live by one right now. A big reason in constructing this size of a hog site is due to my financial ability at this point.

Francis Thicke asked if manure would be applied to both soybean and corn fields.

Andy Muff said that he is unsure. The first year it is not anticipated to apply to soybean ground. My interpretation of the MMP is that we can change the spot where the manure is going.

Francis Thicke asked what the projected yields are and what the nitrogen rates would be.

Andy Muff said that projected yields are tough. The county wide averages are in the upper 170's and it's increasing every year. We are using Iowa State University's recommendation on the county average per yield. I have no intentions of applying manure to soybeans for this year. As far as next year, no plans were made since I don't know where next year's crops are going to be planted.

Donna Buell asked if hormones will be given to the pigs or antibiotics?

Andy Muff said that no matter who the livestock owner is, you can use antibiotics responsibly. As far as hormones, I have no intentions of using them.

Henry Marquard said that it seems like you are trying to be a responsible farmer. Does your manure management plan call for applying manure to land that you already control or on the new land that you are buying or to someone else's land?

Andy Muff said that I have bought a 10 acre parcel. The area that everyone is talking about today. I am constructing a hog site there. The manure from that site will go to the land surrounding it, which is owned by a friend of the family. If that fails, the manure will then go to my family's farmland. We will deal with it in a proper legal manner.

David Petty said that he appreciates you coming in and speaking and stepping up to the challenge of being a farmer. The resale value of your house doesn't matter since you plan to live in it. At the end of the day you are responsible for the financial commitment.

Lisa Davis Cook asked what type of facility this will be?

Andy Muff said that it will be a start to finish operation. It will be naturally ventilated not by power.

-----End of Public Participation-----

Wayne Gieselman wanted to clarify the site and facts.

- These facilities can be built without construction permits.
- We will look into the manure easements and the questions that have been raised.
- There is no prohibition to manure being applied to ground going to soybean.
- There are no regulations on hormones or antibiotics. At some point in time that will probably come forth.
- The drainage goes outside the Clear Lake watershed. There is some concern with a couple of fields that may have drainage towards Clear Lake, but I don't believe that is enough proof to disregard.

The President of the Association of Preservation of Clear Lake called this morning and he asked me to make comments on his behalf. The Association is opposed to these facilities and the proposed location. There has been \$4 million dollars earmarked by the legislature to clean up Clear Lake.

David Petty said that it's hard to believe that there could be a 35% slope in the land up there. Is that true because there's not much land in Iowa with a slope like that.

Wayne Gieselman said that we will report back to the Commission next month on the status of this project.

The Commissioners went on to discuss the Department's discretion rule regarding the siting of CAFOs.

GENERAL DISCUSSION

Meeting Dates

The Commissioners discussed the best available day to hold the monthly meetings on.

Motion was made by Donna Buell to move the monthly EPC meetings to the 3rd Tuesday of every month starting in August. Seconded by Francis Thicke. Motion carried unanimously.

Jerry Peckum said that if Commissioners plan to miss a meeting, please call Lisa Nissen and let her know.

Mary Gail Scott requested for more education time on what the DNR is doing and upcoming projects and more about our role as Commissioners.

Petition for Rulemaking of Chapter 65

This is the petition that we received at the last meeting from producers to adopt some major changes from 2002 legislation. The DNR has 60 days to review, deny or approve the petition. Petitioners did agree to extend the deadline.

Francis Thicke asked for an analysis on the comparisons on what the changes mean.

CONTRACT - UNIVERSITY HYGIENIC LABORATORY (UHL) FOR IMPAIRED WATERS MONITORING AND ASSESSMENT

Tim Hall, Chief of Geological and Land Quality Bureau presented the following item.

The Department requests Commission approval of a contract for the amount of \$338,473 with the University Hygienic Laboratory. The contract covers a variety of water monitoring and assessment activities related to the development of restoration plans for impaired water bodies. These activities are designed to obtain specific information needed to better define the impairments through the stressor identification process, and for the development of water quality restoration plans or Total Maximum Daily Loads (TMDLs). Site specific data are needed to better define the impairments and identify pollutant loads or other non-pollutant based stressors, such as habitat alteration that contribute to the impairments. The data collected under this contract will help technical staff make these determinations. The contract period is from July 1, 2006 – June 30, 2007.

In this contract, UHL will collect data for 8 lakes and 10 stream segments that have been prioritized for TMDL development. Various types of stream monitoring and assessment activities will be conducted, including: biweekly and storm event sampling for conventional and toxic water quality parameters; continuous monitoring of dissolved oxygen and water temperature; surveys of benthic macroinvertebrates and fish; stream flow measurement; physical habitat assessment; sediment and water contaminant screening. Lake sampling will include the collection of 3 samples per lake during the summer period. Samples will be analyzed in the laboratory for a suite of water quality parameters and trophic state indicators such as nitrogen, phosphorus, suspended solids, and turbidity. A vertical depth profile of dissolved oxygen, pH, specific conductance, and water temperature will also be obtained on each sampling occasion. Sampling will be coordinated with the ambient lakes monitoring program to avoid duplication of effort. The contract includes funding for one staff person to assist the TMDL program with data compilation and analysis. Federal funding for this contract is provided through Section 319 of the Clean Water Act.

Mary Gail Scott said that she likes the budget breakout.

Tim Hall passed out a handout of the Statewide Water Monitoring Programs within the DNR. This is intended to help Commissioners understand which contracts need approval.

Motion was made by Henry Marquard to approve the contract with UHL as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNIVERSITY HYGIENIC LABORATORY – 2006 COOPERATIVE GROUNDWATER NETWORK

Tim Hall, Chief of the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$107,835 for the time period of July 1, 2006 through March 1, 2007. The contract is titled: 2006 Cooperative Groundwater Network.

This program is designed to identify water quality trends, identify emerging issues, and document water quality from important aquifers in situations that are both identified as vulnerable and protected by natural conditions throughout Iowa. The purpose of this contract is to obtain chemical analyses from an established network of 90 wells monitored through the past decade as part of a cooperative program between the Iowa Department of Natural Resources (Geological Survey Bureau) and the U.S. Geological Survey (USGS). Existing wells are sampled by USGS staff and brought to the UHL for analysis. In addition, sixty randomly selected wells are chosen from a different aquifer system each year, this year those wells will be chosen from the Pleistocene aquifer systems in the state. These sixty new wells are rotated from year to year between various groundwater resources of interest and help to identify any existing or potential threats to the water quality in these aquifers. Results from all the samples are published in an annual USGS data publication. Results from the past 10 years are being used to produce a report describing water quality trends. All data will be reported to both the national United States Geological Survey database and in Iowa's STORET database, where it is available to the public on the internet.

Funding for this contract is available from infrastructure state funds as a part of the Environment First Fund.

Motion was made by Donna Buell to approve the contract with UHL as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Ed J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

DYERSVILLE IMPLEMENT, INC. (DYERSVILLE) – WASTEWATER

Jon Tack, Attorney for the Department of Natural Resources urged the Commission to refer Dyersville Implement to the Attorney General for violations of wastewater requirements, contamination and penalties.

On February 22, 2006, Dyersville Implement reported that approximately 50 gallons of waste oil was spilled in the facility and entered a floor drain. The floor drain was connected to the on-site wastewater system and thereby reached a tile line flowing to the North Fork of the Maquoketa River. The Order was issued the next day.

Subsequent to the discovery of the waste oil at Dyersville Implement, they cut the line to which the on-site wastewater system was attached. A dam was constructed to contain the remaining petroleum contaminated wastewater. Approximately 250 gallons of wastewater were pumped and properly disposed of by Dyersville Implement. The Department estimates an additional 1,000 gallons of contaminated wastewater should have been removed. The on-site wastewater system remains in operation despite the lack of a leach field to disperse the wastewater. Dyersville Implement has failed to conduct necessary site remediation to remove the continuing risk of groundwater and surface water contamination. They have also failed to construct a compliant on-site wastewater treatment system.

The Department still hasn't had an investigation which is necessary to determine how much contamination has gotten out of the tile lines and into the soil over the last 38 years. We are also concerned with the lack of a proper wastewater facility for this location. Dyersville Implement appears to be using water from a well, but they have no legal way to dispose of the waste. There are shallow wells in this area which could easily become contaminated.

Henry Marquard asked if they are in range of hooking up with the City's water and wastewater system.

Jon Tack said that they are not currently in range, but the City is working to include them in the near future.

Loras Gravel, representing Dyersville Implement, Inc. said that his garage is in close location of three other garages, which all drain into the tiles that we are referring to. We can't deny the oil spill of 30-50 gallons. There is a sump drain in the garage that is 40 feet long and 2 feet deep. There is a tile that drains out but the solids are taken out beforehand. Yes, we did connect this to a field tile. The septic system was put in place in 1969. There are two 1,000 gallon septic tanks with a leach age field of about 400 feet. It dead ends in a corn field. Mr. Wade has been informed of that and has been telling us that we need to reconstruct this system. The tile line that ends up in the stream when it rains also includes 400 acres of farmland to the east of us. We don't drain oil or antifreeze in this tile. This is collected and sent out. Mr. Wade has made it almost impossible for us to exist. I thought state agencies were to help us solve problems. We

have spent \$12,000 on correcting the problems that we have been asked to do. DNR staff has not been helpful.

The City of Dyersville is in the process of annexing our area to provide water and sewer. I have a letter from the Mayor to prove that. We are depending on the City of Dyersville to help us out financially.

Donna Buell asked about the soil samples. Has that been done?

Loras Gravel said that he had to hire someone with 72 hours. Yes, GeoSource did conduct an evaluation, we received the soil samples back last week and they came back okay. These results have been submitted to the DNR. We have complied with everything in the order except for putting in a seepage field. I have verbally offered to supply bottled water for employees and the public and to have outdoor portable restrooms. It seems crazy to spend the money on a new tile drainage field with the City of Dyersville will be annexing us within the next year and half.

The first consultant as recommended by the Department to do the soil samples, didn't want to deal with us. The second consultant, as recommended by the first consultant was contacted after two weeks of the spill. I was then recommended to another consultant in Wisconsin, but I didn't want to drive that far to deliver the samples. I did end up contacting SafetyClean in Davenport. The results came back good.

Jon Tack said that as of July 7th, the department has not received the soil samples results. We do have problem with where the soil analysis was done. We wanted to test the soil where the tile line and the drainage field meet, not in the field. The septic system is not designed up to standards. There are a number of business in this area that are illegally discharging, and we are continuing to investigate. It would be great to have the City of Dyersville hook them up with water but we have no idea when they intend to do this. The bottled water and portable bathrooms is a great idea for a temporary fix but there's no guarantee as to when the City will begin annexation. We need a long term solution. We are asking for an agreement from the Attorney Generals office stating what and when the problem needs to be fixed. In this case, our demands for action hasn't resulted in very cooperative efforts.

<i>Motion was made by Henry Marquard to table this item until the next meeting in August, so that more information can be brought forth. Seconded by Sue Morrow.</i>
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Mary Gail Scott said that there appears to be a lack of communication between the Department and Dyersville Implement. We need to make sure that the DNR is informed of recent developments and changes at the Implement. Maybe Mr. Gravel should write a list of everything that has been done and submit that to the DNR rather than relaying on his consultant to inform the Department.

Henry Marquard suggested that maybe the environmental specialist and the soil consultant could attend the next meeting.

Mary Gail Scott said that Mr. Wade should be present as well.

TABLED

ROSE BOWL, INC. (MASON CITY) – PUBLIC WATER SUPPLY

Diana Hansen, Attorney for the Department of Natural Resources suggested referring Rose Bowl Inc. to the attorney general for violations that include failure to monitor for bacteria, failure to monitor for nitrate and failure to give public notice of monitoring violations.

This public water supply facility provided piped water to the public for human consumption and regularly serves at least 25 person and does not provide disinfection treatment. The one well serves a bowling alley with a kitchen, bar and three sets of restrooms.

In May of 2006, the revised water supply operation permit issued to this facility was required to monitor for bacteria at least once a month. The facility owner failed to take bacteria samples. The Department notified Rose Bowl of their violations on failure to take bacteria and nitrate samples and failure to notify the public.

Mason City will be providing water within the next year.

<i>Motion was made by Henry Marquard to refer Rose Bowl, Inc to the Attorney General. Seconded by Donna Buell. Motion carried unanimously.</i>
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REFERRED

STATE OF IOWA PUBLIC DRINKING WATER PROGRAM: 2005 ANNUAL COMPLIANCE REPORT

Chuck C. Corell, Chief of the Water Quality Bureau presented the following item.

The Department is submitting the *State of Iowa Public Drinking Water Program 2005 Annual Compliance Report* to the Environmental Protection Commission for information purposes.

The Safe Drinking Water Act (SDWA) Amendments of 1996 require the Department to issue an annual report of the SDWA violations in the state. This report fulfills the reporting requirement in Iowa for the 2005 calendar year.

Report highlights:

- The number of health-based standards violations and the number of systems with violations both slightly decreased from 2004 levels, but remained on the fairly level seven-year trend (8 to 10% of systems that are not in compliance). The three standards that were violated most frequently were coliform bacteria (44.8% of the total number of violations), total trihalomethanes (19.0%), and nitrate nitrogen (12.5%).
- The disinfectants/disinfection byproducts rule was a new rule with many new requirements that was implemented for most of Iowa's community and non-transient noncommunity systems in 2004. Calendar year 2005 was the first year under this new rule for most of Iowa's systems to determine compliance with the disinfection byproducts that are formed when carbon in the water source reacts with the chlorine disinfectant. As a result, there was an increase in the number of violations of the trihalomethanes and haloacetic acids standards. The challenge now for the systems in violation will be to reduce the levels of byproducts while maintaining a disinfectant level to provide microbial protection.
- The number of major monitoring and reporting violations increased for the first time since 2002, although the number of systems with at least one major monitoring or reporting violation increased only slightly. The overall percentage of systems in compliance with all major monitoring and reporting violations remained at the 81% level, a flat trend since 2003. The increase in the number of monitoring violations is partially attributable to three systems that didn't collect the required volatile and synthetic organic chemical samples, both of which are multi-contaminant parameters. Disinfectant monitoring and reporting, required as part of the disinfectants/disinfection byproducts rule previously mentioned, also provide many more opportunities for violation by the systems.
- There were 27 systems that did not have a certified operator during the year. This is an increase from previous years, but is more likely due to better identification of systems without an operator by DNR staff than an actual increase.

This report was prepared by the Department's Water Supply Engineering & Operations Sections in the Water Quality Bureau of the Environmental Services Division. Development of the report was accomplished through the use of the state water supply database. The printed report will be provided to EPA by the July 1st deadline. An electronic copy will also be provided to the Governor, legislative officials, EPA, and members of the SDWA Advisory Group.

The electronic report will be available on the IDNR's website at <http://www.iowadnr.com/water/drinking/reports.html>. Copies of the report are also available to the public upon request.

INFORMATIONAL

PROPOSED RULE – AMEND IAC 567 CHAPTER 118– “DISCARDED APPLIANCE DEMANUFACTURING”

Theresa Stiner, Environmental Specialist Senior in the Energy & Waste Management Bureau presented the following item.

Today for the Commission’s information and review is a Notice of Intended Action to rescind and replace IAC 567—Chapter 118 “Discarded Appliance Demanufacturing.” This proposed rule revision will improve the department’s ability to ensure that hazardous materials from appliances are being handled in an environmentally sound manner by revising the record keeping and annual reporting requirements, easing storage time limits on PCB articles that are disposed of through a Regional Collection Center, and incorporating federal requirements. The chapter has also been reformatted to be consistent with other chapters and to improve readability.

The annual reports are intended to verify that the demanufacturer is removing refrigerant, PCBs and mercury switches. Currently, the annual reports only include the amounts of mercury, refrigerant and PCBs shipped for disposal and the total weight of demanufactured appliances shipped to a recycler. It does not include the amount of hazardous materials removed from appliances but are stored on site waiting disposal or the number or type of appliances demanufactured making it very difficult for the department to determine if a reasonable amount of refrigerant, PCBs and mercury switches are being removed from the appliances. The new record keeping and reporting requirements will include the actual number of appliances demanufactured by type and the number of PCB capacitors, mercury devices and amount of refrigerant and removed each year. This will enable the department to make a correlation between the number and type of appliances being demanufactured and the amount of material recovered.

Currently PCBs must be disposed of by incineration, recycling or another approved method within one year of removal from the appliance. Because most appliance demanufacturers recover very small quantities of PCB capacitors, it is often costly to dispose of the capacitors within this time frame. The proposed change will allow Regional Collection Centers that accept PCB capacitors from appliance demanufacturers to dispose of the capacitors within one year of receiving it from the demanufacturer rather than within one year of when the demanufacturer removed it from the appliance.

There are also a number of changes to reflect changes in federal regulations and to better incorporate federal regulations.

The Commission will be asked to approve this Notice of Intended Action at its August meeting.

INFORMATIONAL

PROPOSED RULE – ADOPT IAC 567 CHAPTER 124– “MERCURY SWITCH RECOVERY FROM END-OF-LIFE VEHICLES

Theresa Stiner, Environmental Specialist Senior for the Energy & Waste Management Bureau presented the following item.

Today for the Commission’s information and review is a Notice of Intended Action to adopt IAC 567—Chapter 124 “Mercury Switch Recovery from End-of-Life Vehicles.” This rulemaking is in response to House File 2362, Mercury Free Recycling Act, passed by the 2006 Iowa Legislature.

The proposed rule is taken directly from the legislation that was passed with only minor formatting changes.

Mercury switches were used in convenience lighting in vehicles as recently as 2002. If the mercury switches are not removed when the vehicle is retired, the mercury will be released to the environment when the metal is recycled. The Mercury-Free Recycling Act requires auto manufacturers to implement a system to recover at least 90% mercury switches from end-of-life vehicles. Manufacturers will submit a plan to the Environmental Protection Commission (EPC) by September 30, 2006 detailing how they will implement , operate and maintain the collection system. Manufacturers are responsible for all of the costs of the system including labor to remove the switches, packaging, shipping, recycling or disposal, training for program participants and public education.

The Mercury Free Recycling Act includes a provision that will repeal the act if a national agreement is reached that has a 90% target recovery rate and a funding mechanism that provides for the total cost of the program. Although a national agreement is being discussed, it has not yet been finalized.

The Commission will be asked to approve this Notice of Intended Action at its August meeting.

INFORMATIONAL

LAKE NUTRIENT STANDARDS, BACKGROUND INFORMATION

Jack Riessen, Executive Officer for the Department of Natural Resources gave a presentation on Lake Nutrient Standards. A complete overview can be located on our website: www.iowadnr.com

The department is not trying to propose nutrient standards for streams and lakes today but maybe in a few months. There will be lake standards proposed this fall. Streams and Rivers may have proposed standards next summer.

Nutrients in Iowa waters: Too much of a good thing

Nutrients are essential to having healthy water. In some parts of the country where levels are low, nutrients are sometimes added to the water to increase fish productivity. In Iowa, the problem is the opposite – high levels of nutrients, much higher than needed for healthy, productive waters.

Nutrients grow things...

Every farmer and gardener knows that plants need nutrients and often add nutrients to the soil to increase crop production. Algae also needs nutrients and higher levels of nutrients in the water to increase the amount of algae in the water, which in turn increase the amount of fish and other organisms in a lake. This is usually good up to a point but too much algae in the water creates problems like poor water clarity, frequent “blooms” of algae, and the loss of some of the more desirable types of algae, aquatic vegetation and fish. Hment, is the water quality equivalent of obesity. It’s the water body’s response to high levels of nutrients, not the nutrients themselves, that cause the problems.

It’s phosphorus

The two primary nutrients affecting Iowa’s water are nitrogen and phosphorus. Of these two, phosphorus is the primary issue in our lakes, being the nutrient that would have to be reduced in order to improve water clarity. Nitrogen has not been shown to be related to any response factor in Iowa lakes, although it may be important to drinking water sources (nitrate) and the Gulf of Mexico’s low oxygen (hypoxia) problems.

EPA guidance – Iowa’s Plan

The EPA has asked states to develop nutrient adoption plans that outline their approach to adopting nutrient criteria or standards. Iowa’s plan, which calls for establishing standards on lakes first, is based on using water quality monitoring data to develop predictive relationships on the levels of nutrients relative to water quality.

Standards reflect our goals

Nutrient standards should be set for what is desirable and what is attainable. The Standards are benchmarks not only for improving water quality where needed, but also protecting lakes where we already have good water quality. Economic factors also need to be considered, both in terms of the cost to benefit ration and in terms of the economic value that comes from improving water quality. Bottom line: Standards should be more than numbers on paper that sound good; they should be “real life” goals for water quality. Standards should be supported by science and should be reasonable (but not necessarily easily) attainable.

Can we get there from here?

We do know that we can improve water quality in Iowa’s lakes and we have done so when given

the resources and the opportunity. The legislature passed \$7.8 million for lake restoration and \$5.0 million for the watershed protection/restoration. These are sustainable increase over historic investments towards these activities. The lake restoration legislation requires restoration moneys will be spent only where local groups are committed to restoration, watershed protection is in place, water clarity can be improved to at least 1.5 meters, and the investment will be protected for 50 years. Lake restoration was supported because cleaner water can be attained and cleaner water can help spur on economic development. The cleaner is, the large the benefits to the community and to Iowans.

But remember...

While we can improve water quality in lakes, there are no magic bullets and no cookie-cutter solutions. Creating nutrient standards and reducing the amount of phosphorus are important, but will not solely lead to automatic improvements in water quality. Each lake has its own distinct “personality” based on the watershed, depth, shape and biology. However, we do have more technical tools than we had even 10 years ago such as Geological Information Systems (GIS) that will make us more efficient and as we gain experience, we will become even more effective and efficient as we learn. We did not get into our present situation overnight and we won’t get out if it that way either.

What’s next?

In accordance with HF 2362 passed by the 2006 General Assembly, a water quality standards advisory committee comprised of “experts in the scientific fields relating to water quality, such as environmental engineering, aquatic toxicology, fisheries biology, and other life sciences and experts in the development of the appropriate levels of aquatic life protection and standards” will be convened to provide input and expertise to the Department in developing nutrient criteria for lakes. It is anticipated that a draft Notice of Intended Action will be presented to the Commission for information at its September 2006 meeting.

INFORMATIONAL

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission’s information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Rulemaking Status

Proposal	Notice to Comm	Notice publish	ARC#	Rules Review	Hearing	Comment Period	Final Summary to comm.	Rules Adopted	Rules publish	ARC#	Rules Review Committee	Rule effective
1. Ch. 20, 22, 31 and 33 – Air Quality Program Rules; PSD Rules	5/15/06	6/07/06	5154 B	7/11/06	7/10/06	7/12/06	*8/21/06	*8/21/06	*9/13/06		*10/10/06	*10/18/06
2. Ch. 20, 21 and 34 – Adoption of Federal Clean Air Interstate Rule (CAIR)	12/19/05	1/18/06	4823 B	2/07/06	2/27/06	2/21,22/06	5/15/06	5/15/06	6/07/06	5139 B	7/11/06	7/12/06
3. Ch. 22, 23 – Air Quality Program Rules – Updates, Revisions and Additions	3/20/06	4/12/06	5041 B	5/09/06	5/12/06	5/16/06	6/19/06	6/19/06	*7/19/06		*8/08/06	*8/23/06
4. Ch. 23, 25 and 34 – Adoption of Federal Clean Air Mercury Rule (CAMR)	12/19/05	1/18/06	4824 B	2/07/06	2/27/06	2/21,22/06	5/15/06	5/15/06	6/07/06	5140 B	7/11/06	7/12/06
5. Ch.												

50-54 – Water Use and Water Allocation Rules	2/20/06	3/15/06	4982 B	4/10/06	4/05/06	4/12/06	5/15/06	5/15/06	6/07/06	5155 B	7/11/06	7/12/06
6. Ch. 64 – Fee Collection for Wastewater Permits	10/17/05	11/09/05	4652 B	12/13/05	11/29, 30/05 12/01/05	12/02/05	6/19/06	6/19/06	*7/19/06		*8/08/06	*8/23/06
7. Ch. 65 – Designated Wetlands	11/21/05	12/21/05	4771 B	1/10/06	1/19, 25, 26, 31/06	2/01/06	6/19/06	6/19/06	*7/19/06		*8/08/06	*8/23/06
8. Ch. 65 – Evaluation, Denial of or Condition of Construction Permits or Disapproval or Modification of MMPs for Confinement Feeding Operations	1/17/06	2/15/06	4898 B	3/07/06	3/7-10/06	3/10/06	6/19/06	6/19/06	*7/19/06		*8/08/06	*8/23/06
9. Ch. 68 – Commercial Septic Tank Cleaners; Ch. 69 – Onsite Wastewater Treatment and Disposal Systems	3/20/06	4/12/06	5042 B	5/09/06	5/3-4, 9, 10-11, 16/06	5/17/06	*8/21/06	*8/21/06	*9/13/06		*10/10/06	*10/18/06
10. Ch. 105 – Organic Materials Composting Facilities	1/17/06	2/15/06	4893 B	3/07/06	3/15/06	3/15/06	5/15/06	5/15/06	6/06/06	5149 B	7/11/06	7/12/06
11. Ch. 135 – Uniform	2/20/06	3/15/06	4983	4/04/06	4/05/06	4/07/06	6/19/06	6/19/06	*7/19/06		*8/08/06	*8/23/06

Environmental Covenants Policy and Procedures	6	06	B	06	6		6	6	06		6	6
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Attorney General Referrals

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed Trial Date	7/18/05 11/29/05 12/28/05 11/06/06
Farmers Co-Operative Society Sioux Center (3)	Animal Feeding Operation	Discharge Limits; Prohibited Discharge – Confinement/Open Feedlot; Land Application Separation Distance; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	3/20/06
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)	Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred	4/17/06
Leigh, Marsha Glenwood	(4) Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	9/20/04 3/29/05

UPDATED

Defendant's Motion to Dismiss 4/20/05
 5/02/05
 State's Resistance/Motion to Dismiss 5/12/05
 5/23/05
 Motion to Intervene 5/23/05
 Hearing on Motion to Dismiss 5/23/05
 6/27/05
 Ruling Denying Motion to Dismiss 6/29/05
 12/05/05
 Resistance to Motion to Intervene 9/12/05
 12/7/05
 Hearing on Motion to Intervene
 Ruling Denying Motion to Intervene
 Hearing on Defense Motions
 Motion for Judgment on Default
 Order Granting Default Judgment
 (\$100,000/Civil;
 \$10,000/Admin.
 & Injunction)

Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy Notice of Intent to Seek Default Appearance by Defendant Trial Date	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05 3/03/06 3/08/06 11/19/06
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred	2/20/06
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05

July 2006

Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred Attorney General	to	Referred	4/17/06
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Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred Attorney General	to	Referred	11/21/05
Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred Attorney General	to	Referred Petition Filed	9/19/05 1/10/06
Robertson, Ryan Jefferson Co. (6) UPDATED	Wastewater	Stormwater Violations	Permit Referred Attorney General	to	Referred Petition Filed Trial Date Consent (\$12,500/Civil; Injunction) Decree	4/27/05 9/26/05 8/30/06 6/12/06
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order		Referred Petition Filed Application for Default Order Granting Default Motion to Set Aside Default Order Setting Aside Default Trial Date	5/16/05 12/08/05 1/13/06 1/31/06 2/17/06 3/14/06 6/08/06
Roquette America Keokuk UPDATED	(6) Air Quality	DNR Defendant	Defense		Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date Trial Roquette's Request to Reopen Evidence IDNR Resistance to Reopening Evidence Roquette's Reply to Resistance IDNR Motion/Supp. Resistance	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06 4/24-28/06 5/25/06 6/02/06 6/19/06 6/21/06

Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97
				Court Order	12/09/98
				Re-Referred	11/21/02
				Petition Filed	3/11/05
				Application for Contempt	3/11/05
				Contempt Hearing	4/01/05
				Order for Contempt	8/05/05
				(\$3,000 fine)	4/01/05
				Arrest Warrant Issued	5/03/05
				Contempt/Temporary	
				Injunction	5/03/05
				Hearing	7/06/05
				Temporary Injunction	8/05/05
				Granted	8/05/05
				Contempt Hearing Date	
				Contempt Hearing	1/31/06
				Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	10/18/04
				Answer Filed	11/04/04
Stone v. Enterprises, Inc.	Rembrand Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	12/06/04
				State Motion to Dismiss	1/10/05
				Hearing	3/07/05
				Ruling Dismissing	5/17/05
				Damage Claims	2/27/06
				State's Motion for	3/20/06
				Summary Judgment	5/01/06
				Order Granting	
				Continuance	
				Hearing on Summary Judgment	
Williams, Dean Stuart (2)	Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/17/05
				Petition Filed	12/08/05
				Answer Filed	12/23/05
				Motion for Partial Summary Judgment	6/05/06

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period June 1, 2006 through June 26, 2006, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
<i>October '05</i>	<i>11(9)</i>	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	7(7)	0.028	0.010	2	0(0)
January '06	10(6)	0.441	0.002	2	0(0)
February '06	6(9)	0.238	0.006	2	0(0)
March '06	12(9)	0.155	0.026	1	0(0)
April '06	12(14)	0.073	0.134	2	0(0)
May '06	11(18)	0.135	0.004	3	0(0)
June '06	9(7)	0.342	0.076	5	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)
September '05	3(5)	0.361	0.003	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1 2 3 4 5 6

1 0 3 2 0 3

Contested Cases

Date Recvd	Name of Case	F O	Action Appealed	Program	Assigned to	Status
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding

						settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Default judgement entered 4/12/06. Case closed.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Follow-up letter sent 4/17/06. Working through Brownsfields process.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP

						attorney.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable corporation. Review options.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Proposed settlement terms.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before

						filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	Hearing rescheduled for 6/30/06. Settled, no hearing – awaiting final settlement documents.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW/WW	Tack	Settled by Consent Order issued 5/30/06. No penalty assessed. Case closed.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Waiting on response from company.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	Unkrich requested new hearing date, waiting for new hearing date.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Order rescinded on 5/12/06. Case closed.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to pay claim being evaluated by Department.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed. Sent to DRF for collections 6/6/06.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Hearing set for

						5/09/06. Motion to compel, discovery filed. Pre-hearing conference set for 4/25/06.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing. 5/31/06 – Letter regarding appeal sent to company.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Sent to DIA to be set for hearing.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing. 5/31/06 – Letter to City Attorney regarding appeal.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Amended order issued. 3/28/06 – Amended order appealed. Setting up settlement meeting.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek attorney requesting waiver of penalty in view of inspection.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/2/06.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing. Reviewing settlement document.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing. Reviewing settlement document.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Hearing reset for

						5/09/06. Pre-hearing conference set for 4/25/06.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	Proposed decision upholding order issued on 4/04/06. Appeal to EPC filed on 4/21/06. 5/15/06 - Decision upheld by EPC. Case closed.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Settlement conference 10/27/05. UST closed in Dec., reserved penalty settlement. Financial inability claimed. Bank foreclosing. Considering options.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	5/30/06 – Sent to DIA to be set for hearing.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Meeting scheduled for 7/18/06.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Department's offer with the producer.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	Negotiating before filing.
1/27/06	Gold Key Motel	2	Order/Penalty	WS	Hansen	4/25/06 – Settlement offer discussed with WS owner rejected. 5/06 – Settled. Consent order terms agreed to by WS.
2/16/06	Maridale Farms LLC	3	Order/Penalty	AFO	Book	Settled, penalty paid. Case closed.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/07/06	Larry Bergen	2	Order/Penalty	AQ/SW	Schoenebaum	Sent to DIA to be set for hearing.
3/23/06	Larry Krogman	3	Order/Penalty	AFO	Book	Waiting to hear from producer.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
4/07/06	Alan Bakker	3	Order/Penalty	AFO	Book	Hearing scheduled for 7/24/06.

DATE: July 1, 2006

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Spencer Hospital, Spencer (1)	Air Quality	Construction Permit; Monitoring/Reporting	Without Consent Order \$4,450	5/22/06
Michael Drae, Woodbury Co. (3)	Air Quality	Open Burning	Admin. Order \$6,000	6/05/06
Tim Kamstra, O'Brien Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$2,250	6/05/06
Sharon DeVos and Harold DeVos, Lyon Co. (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Prohibited Discharge	Admin. Order	6/07/06
The Jewell Golf & Country Club Co., Hamilton Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$4,500	6/09/06
Early, City of (3)	Wastewater	Discharge Limits	Consent Order Stip. Penalties	6/14/06
Sunray Pork, Ltd. d/b/a Booth Finisher Farm, Palo Alto Co. (3)	Animal Feeding Operation	Record Keeping	Consent Order \$2,000	6/15/06
Pomeroy, City of (3)	Wastewater	Discharge Limits	Consent Order Stip. Penalties	6/15/06
Jones County; Edinburgh Manor, Anamosa (1)	Wastewater	Compliance Schedule; Operational Violations	Consent Order Stip. Penalties	6/26/06

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period June 1, 2006, through June 26, 2006, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total	Feedlot Incidents	Confinement Application	Land	Transport Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	1 (2)
November	8 (9)	0 (2)	1 (4)	3 (1)	4 (2)	6 (6)	2 (2)	0 (0)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)
January	3 (0)	0 (0)	2 (0)	1 (0)	0 (0)	1 (0)	2 (0)	0 (0)	0 (0)
February	2 (1)	0 (0)	1 (0)	0 (0)	1 (1)	1 (0)	1 (0)	0 (1)	0 (0)
March	2 (1)	1 (0)	1 (1)	0 (0)	0 (0)	0 (0)	2 (1)	0 (0)	2 (1)
April	6 (6)	0 (0)	2 (2)	2 (1)	2 (3)	6 (5)	0 (1)	0 (0)	1 (0)

July 2006

Environmental Protection Commission Minutes

May	6 (3)	0 (1)	3 (1)	3 (0)	0 (1)	5 (2)	1 (1)	0 (0)	0 (0)	0 (0)
June	1 (2)	0 (0)	0 (1)	0 (0)	1 (1)	1 (0)	0 (2)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	43 (39)	2 (3)	13 (17)	10 (8)	18 (11)	32 (28)	11 (9)	0 (1)	0 (1)	5 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	1	0	0	0

Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period June 1, 2006, through June 26, 2006, 61 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed	Pipeline	Railroad	Fire	Other* Facility
October	48 (52)	6 (2)	29 (29)	13 (21)	13 (17)	28 (27)	0 (2)	2 (2)	1 (0)	4 (4)
November	55 (68)	10 (14)	35 (33)	10 (20)	16 (21)	28 (34)	0 (1)	3 (2)	1 (0)	7 (10)
December	51 (58)	5 (8)	32 (34)	14 (16)	18 (19)	29 (29)	2 (3)	1 (2)	0 (0)	1 (5)
January	62 (58)	4 (6)	35 (36)	23 (16)	18 (20)	32 (28)	0 (1)	1 (1)	0 (1)	11 (7)
February	49 (46)	2 (4)	36 (25)	11 (17)	10 (12)	35 (24)	1 (4)	2 (2)	0 (1)	1 (3)
March	54 (70)	2 (11)	40 (43)	12 (16)	16 (25)	29 (33)	2 (1)	2 (1)	0 (3)	5 (7)
April	96 (102)	32 (35)	39 (46)	25 (21)	26 (32)	56 (51)	1 (2)	3 (3)	1 (3)	9 (11)
May	59 (60)	14 (20)	34 (29)	11 (11)	24 (23)	29 (29)	0 (1)	1 (3)	1 (0)	4 (4)
June	61 (73)	15 (12)	31 (44)	15 (17)	21 (17)	31 (43)	0 (2)	0 (5)	0 (1)	9 (5)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	535 (587)	90 (112)	311 (319)	134 (155)	162 (186)	297 (298)	6 (17)	15 (21)	4 (9)	51 (56)

(numbers in parentheses for same period last year)

Environmental Protection Commission Minutes

July 2006

Total Number of Incidents Per Field Office This Period:
 *Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
6	17	9	7	17	5

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: July 1, 2006
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Duane Crees (Muscatine Co.)	AQ/SW	963	3-01-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03

Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	2,458	12-15-03
Robert L. Nelson (Orient)	UT	657	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
##Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	750	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	1,900	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	931	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
##James Boller (Kalona)	AFO	4,304	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
##Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	8,500	12-29-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
* Paul Shimp & S & V Fence Co. (Eldridge) (\$950/SEP)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
# Dale Schumann (Buena Vista Co.)	AFO	4,000	1-29-06

Environmental Protection Commission Minutes

July 2006

Carl Cliburn (Wapello Co.)	AQ/SW	3,500	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
Anamosa, City of	WW	4,500	3-17-06
#*Randy Hauan (Winnebago Co.)	AFO	1,092	4-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
#*Paul Rehder (O'Brien Co.)	AFO	1,875	5-01-06
* Dennis Gailey (Moorland)	AQ/SW	2,200	5-01-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000	5-10-06
# Bruce and Jill Rewoldt (Hardin Co.)	AFO	8,000	5-17-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
V. A. Enterprises, Inc. (Williamsburg)	WW	2,000	5-26-06
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,400	6-01-06
#*Rick Nikkel (Jasper Co.)	AFO	2,000	7-01-06
* John Danker (Lee Co.)	AQ/SW	4,301	7-22-06
Ernest J. Smith; Smith Fertilizer & Grain (Knoxville)	AQ/SW	3,000	6-09-06
West Central Cooperative (Ralston)	WW	3,000	6-12-06
Point Builders LLC; Steve Crawford (Mason City)	WW	2,000	6-16-06
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	6-18-06
#*Greg Gerber (Lyon Co.)	AFO	375	6-21-06
#*Rick Halma (Lyon Co.)	AFO	2,100	7-01-06
* Crestview Mobile Home Park (Ames)	WW	3,750	7-01-06
* Country Terrace Mobile Home Park (Ames)	WW	1,790	7-01-06
#*Galen Drent (Boyden)	AFO	2,672	7-01-06
* Curt Kline; Connie Kline (Dunlap)	AQ	2,500	7-01-06
#*E & N Farms, Ltd. (Lyon Co.)	AFO	2,000	7-01-06
#*John Kajewski (Cylinder)	AFO	750	7-01-06
* Wayne Staab (Plymouth Co.)	AQ	750	7-01-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,736	7-15-06
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	2,625	7-15-06
* Midway Water & Lighting Co., Inc. (Marion)	WS	2,300	7-20-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Rock Valley Rural Water System	WS	8,000	-----
# Harvey Driesen (Sioux Co.)	AFO	3,000	-----
TOTAL		526,629	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Jim Dos (Black Hawk Co.)	AFO	3,000
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070
Relative, Inc.; Doug Smuck (Des Moines)	UT	600
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000
Randy Ballard (Fayette Co.)	FP	2,000

Edward Bodensteiner (Des Moines)	UT	3,200
Hofer's Danceland Ballroom (Walford)	WS	3,200
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000
#*Harold Unternahrer (Washington Co.)	AFO	700
Hofer's Danceland Ballroom (Walford)	WS	100
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800
Jim Walker (Johnson Co.)	AQ/SW	3,000
Iowa Millenium Investors, LLC (Sumner)	UT	4,000
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro	SW/WW	10,000
(Warren Co.)		
Plain Salvage Inc. (Sac City)	AQ/SW	10,000
Wisconsin North dba National Petroleum (Clinton)	UT	2,840
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Marvin Oberly (Burlington)	WW	1,300
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500
Richard Davis (Monroe Co.)	AQ	8,000
Honey Creek Campground (Crescent)	WS	1,000
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000
Mobile World LC (Camanche)	AQ/SW	10,000
Oran Pub & Grill (Fairbank)	WS	100
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000
John Jolin; Michael Kolbold (Sioux City)	UT	5,260
Dave Paplow (Indianola)	AQ/SW	5,000
Meadow Mist Motel (Fayette Co.)	WS	500
Park View Motel (Oelwein)	WS	750
Plantation Village Mobile Home Park (Burlington)	WS	500
# Dean Pedersen (Pocahontas Co.)	AFO	450
TOTAL		164,480

The following administrative penalties have been appealed:

NAME/LOCATION		PROGRAM AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	10,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; (Whispering Woods-		

Environmental Protection Commission Minutes

July 2006

Council	WW	20,000
Bluffs) (10,000/each)		
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winneshek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000

Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
Larry Bergen (Worth Co.)	AQ/SW	2,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
Jack and Mary Hemmingson; Gold Key Motel (Hampton)	WS	5,215
# Larry Krogman (Lyon Co.)	AFO	3,000
# Alan Bakker (Sioux Co.)	AFO	6,000
TOTAL		422,702

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Dan Waterman; Waterman Backhoe; Waterman Septic (Maurice)	WW	1,000
* Curt Kline; Connie Kline (Dunlap)	AQ	2,500
#*Rick Nikkel (Jasper Co.)	AFO	250
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
#*Galen Drent (Boyden)	AFO	332
* Crestview Mobile Home Park (Ames)	WW	250
Rex Wagener dba Star Video (Storm Lake)	UT	6,000
* Country Terrace Mobile Home Park (Ames)	WW	110
# Rick Halma (Lyon Co.)	AFO	300
* Midway Water & Lighting Co., Inc. (Marion)	WS	100
* Fred Miller; Earthworks Contracting (Quimby)	AQ	416
Traer Municipal Utilities	AQ	2,250
Duane Menke (Whispering Woods/Council Bluffs)	WW	1,000
# Sunray Pork, Ltd.; Tweedie Finisher Farm (Pocahontas Co.)	AFO	3,000
# Sunray Pork, Ltd.; Booth Finisher Farm (Palo Alto Co.)	AFO	2,000
# Maridale Farms, LLC dba Wirtjers Finisher Farm (Sac Co.)	AFO	2,000
* John Danker (Lee Co.)	AQ/SW	139
R. Excavating; Randy Golden (Council Bluffs)	WW	8,000
Jewell Golf & Country Club (Hamilton Co.)	AQ/SW	2,250
#*Gary R. Johnson (Allamakee Co.) PAID IN FULL	AFO	500
TOTAL		32,497

INFORMATIONAL

GENERAL DISCUSSION

Chuck Corell went over the UHL contract as requested by the Commission at last month's meeting.

Chuck passed out a DRAFT copy of the Recreational Use Assessment and Attainability Analysis Protocol.

This protocol is intended to be Department guidance. It is also intended to assist any party interested in conducting investigations to proceed scientifically defensible field information on the existing and attainable recreational uses of waters of the State. This protocol will be an important tool in recommending and justifying those waters to be designated for one of the three Class A recreational uses. Designated waters are an important subset of the waters of the State as they are afforded specific protections under regulatory provisions and are subject to numeric criteria to protect the designated use. The information obtained using guidance presented in this document will be used to:

- Comply with federal requirements for the designation of recreational uses,
- Assist in identifying waters of the State which support recreational uses
- Assist in identifying water of the State which do not support contract recreational uses,
- Respond to the changes in ability of surface waters to support recreational uses, and/or
- Review and modify, as appropriate, the recreational designation of surface water.

A significant number of stream reaches or water bodies are currently warranting UAA efforts because UAA documentation is now necessary for any water body for which Iowa proposes a Class A2 or Class A3 use designation. Thus, this protocol will serve to provide the methodology to justify a position on the recreational uses of water body even if the designation is other than Class A1 primary contact recreation.

Any interested person may collect field data in support of preparing a Use Assessment and Attainability Analysis (UAA) on a waterbody or waterbody segment and submit the resulting data report to the Department of Natural Resources (the department). The department will use the resulting data report as supporting documentation (including preparation of a UAA) in the development of applicable rules reflecting the use designation within the Surface Water Classifications.

The department encourages anyone wishing to perform a field collection for UAA purposes to meet with department staff prior to initiating the work. These pre-meetings may help ensure a confident understanding of this protocol.

A postcard survey will be mailed out to neighbors of the waterbody to determine the use of the water.

Chuck Corell said that more information will be taken into consideration than just designating a waterbody swimmable because a person was spotted swimming. If a waterbody is not designated for recreational use, then it will be overwhelming in that regard. There won't be just a couple of things that play into that decision. We are looking for evidence that a use is attainable or not.

Mary Gail Scott said that she thought we were presuming all waterbodies at the highest level of protection (top-down approach) and then justifying on why it doesn't need a certain level of protection. This approach seems like we are trying to document ways on why a waterbody should be designated to a higher level of protection.

If a waterbody is polluted and no one swims in it, that shouldn't be what it's classified use is. We need to protect it for a higher use, so that it can improve.

Henry Marquard said that this is a complex process and I think the Department has a great approach on getting the information about the uses of the waterbodies.

Chuck Corell suggested that Commissioners read through the UAA to get a better understanding on classification process and all that it involves. The legislature directed that a UAA be done before a permit is given.

Donna Buell said that if children are in close range of the water it should have a swimmable use.

Jerry Peckumn asked when the employees will start this process?

Chuck Corell said that they can start in the next two weeks.

Wayne Gieselman said that a lot of good questions were risen. You'll have to trust the UAA process. You may not like a recommendation that is made for a waterbody, but then you will have to review that decision.

Next month Topics:

Landfill Rules – Informational. Liner requirements in the landfill as it's being constructed.

City of Dyersville Referral update

Planning for an out of town meeting in October around Fort Dodge. We plan to have tours of a wind farm, an ethanol plant tour, and an energy efficient house that was approved by this Commission.

The Watershed Quality Task Force workgroup is being established. The first meeting will be during the first week of August.

The Sustainable Funding Workgroup will have their first meeting in the middle of August. Jeff Vonk will be the chair of that workgroup. I will inform on the dates and times.

Wayne Gieselman said that the Administrative Rules Review Committee will probably pass the rule through. If passed, it would take effect on August 23rd.

NEXT MEETING DATE

Tuesday, August 15, 2006

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Jerry Peckumn adjourned the meeting at 4:55 p.m., Monday, July 17, 2006.

Jeffrey R. Vonk, Director

Jerry Peckumn, Chair

Lisa Davis Cook, Secretary

INDEX**A**

Adjournment, 49
 Adoption of Agenda, 1
 Approval of Minutes, 1

B

Bitker
 Loren, 9

C

Call to Order, 1
 Chapter 118
 Discarded Appliance Demanufacturing
 Proposed Rule, 21
 Chapter 124
 Mercury Switch Recovery from End-of-
 Life Vehicles
 Proposed Rule, 22
 Commissioners Absent, 1
 Commissioners Present, 1
 Contract
 County Contract Renewal
 Water Supply Inspections for TNC, 3
 Quality Consulting, Inc
 Private Well Tracking System, 2
 University Hygienic Laboratory
 Cooperative Groundwater Network,
 16
 Impaired waters monitoring and
 assessment, 15
 Contract
 Kirkwood Community College
 Industrial Electro-Mechanical
 Technician Curriculum Development
 Industrial Technologies Grant, 5
 Cooperative Groundwater Network
 Contract
 University Hygienic Laboratory, 16
 County Contract Renewal
 Water Supply Inspections for TNC
 Contract, 3

D

Directors Remarks, 2
 Discarded Appliance Demanufacturing
 Proposed Rule
 Chapter 118, 21
 Drinking Water Program
 Annual Compliance Report 2005, 20
 Dyersville Implement, Inc. (Dyersville)
 Wastewater, 17

F

Farnis
 Roger, 10

G

General Discussion, 15, 47

H

Heathcote
 Susan, 12
 Homeland Security Planning and Exchanges
 Memorandum of Agreement
 Nebraska Department of
 Environmental Quality, 4

I

Impaired waters monitoring and assessment
 Contract
 University Hygienic Laboratory, 15

K

Kirkwood Community College Industrial
 Electro-Mechanical Technician
 Curriculum Development
 Contract
 Industrial Technologies Grant, 5

L

Lake Nutrient Standards, 23

M

Memorandum of Agreement
 Nebraska Department of Environmental
 Quality
 Homeland Security Planning and
 Exchanges, 4
 Mercury Switch Recovery from End-of-Life
 Vehicles
 Proposed Rule
 Chapter 124, 22
 Monthly Reports, 25
 Muff
 Andy, 13

N

Nebraska Department of Environmental
 Quality
 Homeland Security Planning and
 Exchanges
 Memorandum of Agreement, 4
 Next Meeting Date, 49

P

Peterson
 Chris, 12
 Private Well Tracking System
 Contract
 Quality Consulting, Inc, 2
 Proposed Rule
 Chapter 118
 Discarded Appliance
 Demanufacturing, 21
 Chapter 124
 Mercury Switch Recovery from End-
 of-Life Vehicles, 22
 Public Participation, 7
 Public Water Supply
 Rose Bowl, Inc. (Mason City), 20

Q

Quality Consulting, Inc
 Private Well Tracking System
 Contract, 2

R

Referrals to the Attorney General, 17
 Rose Bowl, Inc. (Mason City)
 Public Water Supply, 20

S

State of Iowa Public Drinking Water
 Program
 Annual Compliance Report 2005, 20
 Stokes
 Gayle, 8

U

University Hygienic Laboratory
 Cooperative Groundwater Network
 Contract, 16
 Impaired waters monitoring and
 assessment
 Contract, 15

V

Vavrick
 Julie, 7

W

Wastewater
 Dyersville Implement, Inc. (Dyersville),
 17
 Water Supply Inspections for TNC
 Contract
 County Contract Renewal, 3
 Willis
 Phyllis, 12